

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation to facilitate proactive development of transmission infrastructure to access renewable energy resources for California.

FILED
PUBLIC UTILITIES COMMISSION
SEPTEMBER 8, 2005
SAN FRANCISCO OFFICE
INVESTIGATION 05-09-005

ORDER INSTITUTING INVESTIGATION

I. Summary

Through this investigation we will proactively take steps to ensure the development of adequate transmission infrastructure to access renewable resources for California. Pursuant to this objective, this investigation will examine and modify the Commission's transmission processes as they relate to renewable energy development, building on the progress made in Investigation (I.) 00-11-001 and Rulemaking (R.) 04-04-026.

The aggressive renewable energy procurement targets established by the Renewables Portfolio Standard (RPS) legislation, and refined in Energy Action Plans I and II¹ and included in the Governor's

¹ The Energy Action Plan, adopted by the Commission and the California Energy Commission (CEC) in May 2003, accelerated the completion date for increasing the share of renewable energy in energy sales, as established in the Renewables Portfolio Standard, from 20% of sales by 2017 to 20% by 2010. On August 25, 2005 the Commission adopted the Energy Action Plan II which further underscores our commitment to renewable energy development.

strategies to achieve California's greenhouse gas emission reduction goals², make adequate transmission for renewable energy an issue of critical importance. This investigation will assess how the current transmission planning, project development and cost recovery processes can be modified to accommodate the unique dispersed, market-driven characteristics of renewable energy and thus facilitate the near and long-term goals of the RPS, as well as continue to refine the methodology by which the transmission impacts of renewable projects are reflected in the bid-ranking and selection process used by the investor owned utilities (IOUs) for renewables procurement.

Given the various entities involved in developing and/or approving transmission plans for renewables, their respective areas of expertise and jurisdiction, and the complex nature of these issues, we envision a collaborative approach in this investigation to facilitate renewable energy development in California. The participation of the California Independent System Operator (CAISO) and the CEC will be instrumental given their respective roles in transmission planning and identifying renewable resource potential in the state. We also intend to reach out to Federal Energy Regulatory Commission (FERC) staff for their input as well as a multitude of stakeholders to ensure the Commission's role in transmission and renewable resource development is streamlined and adequate.

This proceeding will be coordinated as needed with the RPS rulemaking (R.04-04-026), the Commission's generic transmission

² On June 1, 2005 the Governor signed Executive Order S-3-05 establishing greenhouse gas emission reduction goals for California. Acceleration of the renewable energy goals to 33% of energy sales by 2020 is one of the strategies identified by the Governor. See "Strategies Underway in California That Reduce Greenhouse Gas Emissions" at http://www.climatechange.ca.gov/climate_action_team/factsheets/2005-06_GHG_STRATEGIES_FS.PDF

investigation (I.00-11-001) and the Tehachapi Antelope transmission application proceedings (Applications 04-12-007 and 04-12-008).

II. Discussion

Building transmission facilities to interconnect new generation to the transmission grid is a multi-step, multi-agency exercise that is generally predicated on the existence of a specific generator project. For both renewable and non-renewable projects, the formal regulatory approval process begins when a developer submits an interconnection application to the CAISO. Usually, however, there is much planning and development that goes on before this occurs. These interconnection requests are then used to conduct System Impact Studies and Facilities Studies to determine what facility upgrades to the existing transmission system are necessary to accommodate the additional generation.³ Such projects may be placed in an interconnection queue and studied with other forecasted projects to quantify the impacts of each generator on certain transmission facilities. In some cases, joint consideration of forecasted projects may allow for cost sharing based upon each generator's requested capacity and their system impacts. For IOU-constructed projects, construction of the specific transmission project identified through the system impact and facilities studies is contingent on the Commission granting a certificate of public convenience and necessity (CPCN) for projects over 230 kV or, for projects less than 230 kV, a permit to construct

³ On August 1, 2005, the CAISO issued a memorandum proposing "a new planning process that allows the CAISO to evolve from a predominantly reactionary role to a proactive planning role." Importantly, this new approach would foster more strategic development of transmission facilities and may bear significantly on action taken in this proceeding. See <http://www2.caiso.com/docs/2005/08/01/2005080111170126493.pdf>

(PTC). If the Commission approves the CPCN application, or issues a PTC, the IOU is authorized to build the facility.⁴

In addition to the planning and permitting process just described, there is also a process by which the IOUs seek cost recovery for these projects. Traditionally, the IOUs have sought after-the-fact cost recovery through transmission rates by seeking adjustments to their Transmission Revenue Requirements before FERC. However, in circumstances where the IOUs feel there may be substantial risk that a project will not be approved by FERC for cost recovery once built, they may seek pre-approval for these projects before breaking ground or obtaining a permit from the Commission in order to ensure that the project will be eligible for cost recovery. FERC interconnection rules allow cost recovery for those parts of the transmission expansion that are categorized as “network upgrades,” defined as additions, modifications, and upgrades to the transmission provider's transmission system required at or beyond the point at which the interconnection facilities connect to the transmission provider's transmission system to accommodate interconnection.⁵ Those facilities that link a generator to the first point of interconnection with the existing grid, so-called “sole-use” or “gen-tie” facilities, are the sole responsibility of developers⁶ and, thus, are not eligible for cost recovery under FERC rules.

Because a significant amount of the renewable resource potential in California is located in areas that are far from the existing transmission grid, much of the transmission infrastructure necessary to deliver these

⁴ Under Subtitle B, Transmission Infrastructure Modernization, of the Energy Policy Act, passed on August 8, 2005, FERC may declare “national interest electric transmission corridors” under certain circumstances and preempt state siting authority over transmission facilities in areas so designated.

⁵ See FERC Standard Large Generator Interconnection Agreement, Definitions.

⁶ Id.

resources to load centers may be regarded as “gen-tie” facilities under FERC guidelines. Under current regulatory rules, these costs would be borne by developers and would thus be reflected in their bids submitted in the procurement process. In addition, FERC policy has been to assign the up-front costs of network upgrades to developers, to be paid back by ratepayers over a five year period.⁷ While the costs of network upgrades and gen-ties should be accounted for when comparing resource options, the current approach, which assigns the costs of these facilities to generators, is problematic for renewable generators for a number of reasons.

In Decision (D.) 04-06-010, in which the Commission, among other actions, ordered Southern California Edison Company (SCE) to file an application for a CPCN for a transmission line to access wind energy in the Tehachapi region, we recognized the unique characteristics of renewable energy resources and the challenges they can create given the existing transmission planning process. Since renewable projects may be small relative to the size of the resource potential of the area in which they are located, the transmission facilities that are necessary to interconnect a given project to the grid are likely to be smaller than the optimally sized facility that will ultimately be needed to develop the region’s potential. However, without a mechanism in place by which the first developer can recover additional costs beyond those necessary to ensure deliverability of its own generation from subsequent developers, it is unlikely that any developer will be willing to fund the additional transmission capacity

⁷ See 112 FERC * 61,009, Order Accepting In Part and Rejecting In Part Order Nos 2003, 2003-A, and 2003-B Compliance Filings, paragraph 81.

necessary to fully exploit a region's renewable potential.⁸ More generally, to the extent that economies of scale exist in the construction of transmission infrastructure, whereby the costs per unit of capacity decline for each additional unit of capacity built, the first developer to enter a region will incur higher costs than subsequent developers, thus creating a disincentive for market entry.

A comprehensive approach to transmission infrastructure development, in which transmission projects are optimally sized based on the development potential of a given renewable resource area, consistent with least-cost, best-fit criteria, would largely eliminate the inefficiencies of the current applicant-driven framework. However, the conventional approach to transmission planning, permitting, and cost recovery is not designed to support proactive development of transmission for renewable resources. As noted above, transmission planning is typically done on a project-by-project basis, and, furthermore, gen-tie costs are ineligible for rolled-in rate treatment, which discourages investment in this category of transmission infrastructure.

We also note that a proactive approach, in which transmission is built in advance of generation, necessarily causes the up-front costs for these facilities to be paid for by someone other than developers, thus representing a departure from the status quo in which developers bear the up-front costs associated with both network upgrades and gen-tie facilities associated with their projects. However, this in no way precludes the possibility of developing a mechanism by which developers could be held accountable for their appropriate share of these costs as they come online.

⁸ This leads to piecemeal transmission expansions that are much more costly than if transmission upgrades were optimally sized from the outset.

We are also sensitive to the concern that proactive investment in transmission infrastructure may increase ratepayer risk, to the extent that ratepayer funds are spent constructing facilities that could go unused, if, for example, the anticipated generation never develops or develops at a lower level than expected. Considerable thought will need to be given to mitigate these risks if a more proactive approach is developed.

We have issued a number of decisions that directly address the challenges of renewable energy development given the existing transmission planning process in California and cost recovery under the federal regime. In D.04-06-013 and D.05-07-040 we took steps to address some of these issues as they relate to the calculation of transmission costs used in RPS solicitations to ensure that transmission-constrained renewable resource projects are not at an unfair disadvantage. In D.04-06-013, we made adjustments to the bid-ranking process to ensure that opportunities to share the costs of gen-tie facilities across projects are recognized.⁹ In D.05-07-040 we further directed the utilities to assign the costs of large transmission upgrades that would be used by more than one RPS project on a pro-rata basis for purposes of bid evaluation in the 2005 procurement process.¹⁰

We have also made progress toward proactive transmission project development for accessing transmission constrained renewable resource areas. In D.04-06-010, we ordered the creation of the Tehachapi Collaborative Study Group (TCSG), tasked with developing a transmission plan to interconnect an estimated 4,000 MW of wind energy from the

⁹ D.04-06-013, mimeo. at 10-12.

¹⁰ D.05-07-040, mimeo. at 13.

Tehachapi region.¹¹ In March 2005, the TCSG issued a report outlining a conceptual transmission plan for the full development of the Tehachapi region. The TCSG is building on that conceptual studies report in order to present a definitive Tehachapi plan in a second report, scheduled for release on March 1, 2006. It will contain enough detail to justify IOU commitments to biological studies of the recommended routes in 2006. Also, on the basis of this decision, the Imperial Valley Study Group was formed to develop a transmission plan to access the extensive geothermal resources identified in the Imperial Valley.¹²

In addition, in D.04-06-010, consistent with the goal of Pub. Util. Code §399.25¹³ to encourage development of renewable transmission infrastructure, we ordered SCE to file CPCN applications for Phase 1 of the Tehachapi transmission projects.¹⁴ Section 399.25 directs the Commission to deem necessary those facilities identified in certificate applications if the proposed facilities further the State's renewable power goals. Importantly, § 399.25 also appears to provide a method for the utilities to recover through retail rates those renewable transmission costs that are not approved by FERC for recovery through transmission rates.¹⁵

¹¹ D.04-06-010, Ordering Paragraph 4.

¹² See <http://www.energy.ca.gov/ivsg/>

¹³ All citations to Sections refer to the Public Utilities Code.

¹⁴ These applications are being considered in A.04-12-007 and A.04-12-008.

¹⁵ We recognize that the Commission's interpretation of § 399.25 regarding the eligibility of gen-tie transmission facilities for cost recovery via retail rates, as expressed in D.03-07-033 and D.04-06-010, has been somewhat ambiguous. In D.03-07-033, the Commission expressed the view that whether the transmission upgrade in question is a network upgrade or a gen-tie is a critical factor in determining the availability of financing pursuant to § 399.25. In contrast, in D.04-06-010 the Commission assessed the availability of § 399.25 backstop financing on the basis of who is building the facilities, the utility or the generator, with facilities built by the former eligible for cost recovery through retail rates, regardless of whether those facilities are gen-tie or network upgrades. The network upgrade/gen-tie distinction used in D.03-07-033 was based on what now appears to be a false premise, specifically, that gen-tie facilities would not be built by utilities under a certificate application process, but would, under all circumstances, be built by the generator. This premise now appears incorrect, in light of SCE's filing of a CPCN application for authorization to construct segment 3 of the Antelope Transmission Projects, which was categorized as a gen-tie by FERC in its response to SCE's March 2005 petition.

Despite the considerable progress made thus far, additional work is required to develop a comprehensive and coherent transmission policy specifically oriented to the unique characteristics of renewable energy. Transitioning to a more proactive approach will require the Commission to consider a variety of issues with implications for both the transmission planning process and cost recovery.

In addition to examining issues related to proactive transmission planning and project investment and development, this investigation will continue to refine the methodology developed in I.00-11-001 by which transmission cost adders used in the RPS bid-ranking process are calculated. In D.04-06-013, we directed the utilities to file Transmission Ranking Cost Reports (TRCR) that identify and provide cost information regarding transmission upgrades needed for potential RPS projects, based on conceptual transmission studies submitted previously in that proceeding, other conceptual transmission studies, and System Impact Studies and Facilities Studies prepared for projects that have initiated the CAISO interconnection process.¹⁶ Potential RPS bidders were directed to use the information regarding expected transmission upgrades found in the TRCRs in developing their bids in response to the initial RPS procurement solicitation. The utilities were also directed to use these

Another concern is that D.03-07-033 states that, pursuant to § 399.25(b)(1), the Commission must find that transmission facilities provide network benefits in order to support rolled-in ratemaking at FERC or consider including them in retail rates. However, § 399.25(a) establishes only one condition to finding a transmission project necessary: that it is necessary to facilitate renewable goals. Section 399.25(b)(1) addresses advocacy at FERC, and does not require a finding of network benefits but only that the Commission consider network benefits and make appropriate findings based on the record.

In light of these concerns, we will consider modifications to D.07-07-033 and D.04-06-010 regarding our interpretation of § 399.25. Parties may address the merits of possible modifications in their comments.

¹⁶ D.04-06-013, Ordering Paragraph 2.

reports when evaluating RPS bids submitted in response to an RPS solicitation. In D.05-07-040, we directed the utilities to modify their TRCRs to specify and explain carrying costs associated with transmission upgrades identified in the reports. As directed in D.05-07-040, specific areas that will be addressed in this proceeding include the calculation of network benefits and congestion costs, as well as the allocation of transmission costs associated with a cluster of RPS bids when the bids from that cluster are submitted to more than one utility.

III. Preliminary Scoping Memo

Rule 6(c)(1) of the Commission Rules of Practice and Procedure¹⁷ provides that an order instituting an investigation (OII) “shall attach a preliminary scoping memo” and that the assigned Commissioner shall rule on the scoping memo after the pre-hearing conference (PHC) if one is held.

This investigation will examine the transmission planning, permitting, and cost recovery process as it relates to renewable energy development in California, with the goal of identifying ways in which the current approach can be altered to accommodate the unique characteristics of renewable energy and facilitate achievement of the State’s near-term and longer-term renewable energy goals. In addition, this investigation will continue to refine the calculation of transmission cost adders to ensure that network benefits and congestion costs are adequately reflected in the bid ranking process, as well as develop a method to allocate transmission costs across a cluster of RPS bids when those bids are made to more than one utility.

¹⁷ All citations to Rules refer to the Commission Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations.

The scope of this proceeding shall include, but will not be limited to, the following areas and issues:

Near-Term Opportunities to Increase Access to Renewables

- What transmission projects are feasible within the 2010 timeframe that would enable development of renewable resources to be applied toward the 2010 RPS goals?
- What renewable projects can be implemented without new, long-term transmission infrastructure and how should these projects be encouraged?
- How can the work of the Tehachapi Collaborative Study Group be effectively supported to ensure and expedite the reasonable development of the Tehachapi region? Is the process aided by changing the Commission's level of involvement and, if so, how?

Longer-Term Renewable Transmission Planning and Permitting

- How can the Commission best use CAISO's new transmission planning process to facilitate development of renewable resources?
- How could the CAISO tariff and/or processes be changed to allow for transmission planning on the basis of renewable resource potential rather than on a project-by-project basis?
- How can the Commission utilize the CEC's Renewable Resource Development Report or other resources to identify areas for further study where proactive investments in transmission infrastructure would enable development of significant quantities of least-cost, best-fit renewable resources?
- How can the work of the Imperial Valley Study Group be supported to further development of the renewable resources identified in the Imperial Valley region? Should the Commission become more involved in this process?
- How can assessments of the costs of integrating renewable resources, as identified in the CEC's Renewable Resource Development Report or elsewhere, be incorporated into or combined with the work of the Tehachapi Collaborative Study Group or other comparable study groups to ensure that

transmission solutions consider economic feasibility as well as engineering feasibility?

- How should the potential benefits of proactive development of transmission infrastructure to access renewable resource areas be balanced against the need to limit ratepayer risk?

Cost Recovery Issues

- What options are available to provide the IOUs or other Participating Transmission Owners adequate assurance of cost recovery for proactive investments in transmission infrastructure to access renewable resource areas? What changes would be required to implement these options?
- How should the cost responsibility for proactively built transmission infrastructure be allocated across IOUs, ratepayers and developers?
- What changes to FERC's current approach to cost recovery would facilitate renewable development?

Refinements to the Transmission Cost Adders

- How should the transmission costs associated with a cluster of RPS bids be allocated across those bids if they are made to more than one utility for purposes of the transmission cost adders?
- How should the network benefits that may result from transmission upgrades necessary to accommodate renewable bids be calculated and included in the transmission costs adders?
- What is the appropriate methodology for quantifying the congestion costs associated with renewable bids for purposes of the transmission cost adders?

Interpretation of § 399.25

- Should D.03-07-033 and D.04-06-010 be modified regarding the Commission's interpretation of § 399.25?

We invite parties to comment on the range of issues identified above as well as make recommendations regarding additional issues to be included in this proceeding. In their comments, parties may state any

objections to the order regarding the need for hearing, issues to be considered, or the proposed schedule.

IV. Category of Proceeding

Rule 6(c)(1) provides that an OII “shall determine the category and need for hearing.” This investigation is categorized as a ratesetting proceeding, as that term is defined in Rule 5(c). It is expected to require a hearing. This order, only as to category, is appealable no later than 10 days after the date of this order, under the provisions of Rule 6.4.

V. Schedule

Parties are directed to file and serve comments on the scope and issues of this proceeding as proposed in the preliminary scoping memo within 20 days of issuance of this investigation. A PHC will be scheduled shortly after receipt of comments on the preliminary scoping memo. We expect that the Assigned Commissioner may refine the issues to be addressed when ruling on the final scoping memo. Our goal is to accelerate review of these matters, so that implementation of the changes we identify can begin in 2006.

Comments on scope and issues in Preliminary Scoping Memo due	September 28, 2005
Prehearing Conference	To be scheduled by the ALJ
Commission Decision issued	To be determined in the final scoping memo

VI. Parties And Service List

In this investigation we may adopt principles that bear on the transmission investment decisions of the IOUs. Furthermore, this

investigation may result in further adjustments to the transmission cost adder methodology adopted in D.05-07-040 used in the RPS solicitation process. In light of this we name as Respondents Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and SCE. CAISO's participation will be essential in evaluating transmission planning, permitting, and rate-recovery issues. We encourage the CEC to participate in this investigation, particularly with regard to the identification of renewable resource areas where transmission constraints are impeding development of least-cost, best fit renewables, as well as to provide input regarding the potential role of the Strategic Value Analysis tool being developed under the Public Interest Energy Research program. We will also seek input from FERC staff.

The temporary service list for this proceeding, based on the service lists for I.00-11-001 and R.04-04-026, is appended to this order as Attachment A and shall be used for service until a service list for this proceeding is established following the PHC.

The temporary service list will be replaced after the PHC; persons wanting to be included in the service list should take additional steps even if their names are on the temporary service list. Persons who want to become a party to this proceeding should appear at the PHC and fill out an appearance form.

The Process Office shall develop a service list based on the appearances at the first PHC and other requests received by the time of the PHC. This service list shall be posted on the Commission's Website, www.cpuc.ca.gov, as soon as it is practicable. Parties should notify the Process Office of any address changes or if they wish to be removed from the service list. Any other problems or questions about the service list

after it is posted on the Commission's Website should be brought to the attention of the assigned ALJ. The service list will be updated in accordance with the described procedures, consistent with Rule 2.3.

Any party interested in participating in this investigation who is unfamiliar with the Commission's procedures should contact the Commission's Public Advisor's Office in Los Angeles at (213) 576-7055, (866) 849-8391 or in San Francisco at (415) 703-2074, (866) 849-8390 (toll free), or (415) 703-5282 (TTY), or send an e-mail to public.advisor@cpuc.ca.gov.

VII. Ex Parte Communications

This proceeding is subject to Pub. Util. Code § 1701.3(c), which prohibits ex parte communications unless certain requirements are met (see also, Rule 7(c)). In addition to specifying the standards relevant to ex parte communications, Rule 7(c) requires parties to report ex parte communications as specified in Rule 7.1.

O R D E R

Therefore, **IT IS ORDERED** that:

1. The Commission hereby institutes this Investigation on its own motion to examine and improve the transmission planning process as it relates to renewable energy development.
2. Southern California Edison Company (SCE), Pacific Gas and Electric Company (PG&E), and San Diego Gas & Electric Company (SDG&E) are Respondents to this proceeding.
3. Issues under consideration in Investigation (I.) 00-11-001 including the calculation of network benefits and congestion costs, and the appropriate allocation of transmission costs across a cluster of Renewables

Portfolio Standard (RPS) bids when those bids are made to multiple utilities, and the ongoing work of the Tehachapi Collaborative Study Group and the Imperial Valley Study Group are subsumed in this investigation. The record developed in that proceeding is fully available for consideration in this proceeding.

4. SCE shall file a report containing the findings and recommendations of the Tehachapi Collaborative Study Group's second report, expected March 1, 2006, in this proceeding, with service on all parties, within two business days of issuance of this second report. Parties may file initial comments on the second study group report, with service on all parties, within 21 days after it is filed. Parties may file reply comments regarding the second Tehachapi Collaborative Study Group report, with service on all parties, within 10 days after initial comments are due.

5. SDG&E shall file a report containing the findings and recommendations of the Imperial Valley Study Group's first report, expected September 30, 2005, in this proceeding, with service on all parties, within two business days of issuance of this report. Parties may file initial comments on the first Imperial Valley Study Group report, with service on all parties, within 21 days after it is filed. Parties may file reply comments regarding the first study group report, with service on all parties, within 10 days after initial comments are due.

6. This proceeding is classified as ratesetting, as that term is defined in Rule 5(c) of the Commission Rules of Practice and Procedure (Rules). This order, only as to category, is appealable no later than 10 days after the date of this order, under the provisions of Rule 6.4.

7. Parties shall file comments on the scope and issues identified in the preliminary scoping memo within 20 days from the date this order is issued.

8. This proceeding requires a hearing. In response to this order, parties may state any objections to the order regarding the need for hearing, issues to be considered, or the proposed schedule.

9. The Assigned Commissioner or administrative law judge (ALJ) may adjust the schedule identified herein.

10. The Executive Director shall cause this Order Instituting Investigation (OII) to be served on the Respondents, the California Energy Commission, the California Independent System Operator, and the service lists for Investigation 00-11-001 and Rulemaking 04-04-026.

11. The temporary service list is appended as Attachment A to this OII and shall be used for service of all pleadings until a new service list for this proceeding is established. An initial service list for this proceeding shall be created by the Commission's Process Office and posted on the Commission's Website (www.cpuc.ca.gov) as soon as it is practicable after the first prehearing conference. Parties may also obtain the service list by contacting the Process Office at (415) 703-2021.

12. Parties serving documents in this proceeding shall comply with Rule 2.3 and Rule 2.3.1 regarding electronic service. Any documents served on the Assigned Commissioner and ALJ shall be both by e-mail and by delivery or mailing a paper format copy of the document.

13. Persons interested in this proceeding shall follow the procedures described in this OII to get on the service list.

This order is effective today.

Dated September 8, 2005, at San Francisco, California.

MICHAEL R. PEEVEY

President

GEOFFREY F. BROWN

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ATTACHMENT A
SERVICE LIST IN I.00-11-001
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ATTACHMENT A
SERVICE LIST IN I.00-11-001
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